

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF ARIZONA

United States of America,	)	No. CV 11-13-TUC-RCC
Plaintiff,	)	No. CR 05-1419-TUC-RCC (CRP)
vs.	)	<b>ORDER</b>
Luis Enrique Garibay,	)	
Defendant/Movant.	)	

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Pending before the Court is Attorney Geoffrey Cheshire's Motion to File *Ex Parte* and Under Seal Notice of Filing of Defense Attorney Affidavit (Doc. 18) and Motion for Protective Order (Doc. 21). Good cause appearing,

**IT IS ORDERED** granting the Motion to File *Ex Parte* and Under Seal Notice of Filing of Defense Attorney Affidavit (Doc. 18). Attorney Cheshire's Affidavit (Doc. 19-1) shall be filed under seal. The Government shall be allowed access to the Affidavit.

**IT IS FURTHER ORDERED** granting the Motion for Protective Order (Doc. 21). Movant's waiver of the attorney-client privilege is only for the purposes of litigating this U.S.C. § 2255 action. See Bittaker v. Woodford, 331 F.3d 715 (9th Cir. 2003). The Affidavit may not be used for any other purpose, and disclosure of the Affidavit is limited to the parties and counsel of record in this action. Any documents filed in this case referencing the Affidavit shall be filed under seal.

1           **IT IS FURTHER ORDERED** this Order shall continue in effect after the conclusion  
2 of these habeas corpus proceedings.

3           **IT IS FURTHER ORDERED** the Clerk of Court shall serve a copy of this Order on  
4 Attorney Geoffrey Cheshire, Federal Public Defender, 407 W. Congress Street, Suite 501,  
5 Tucson, AZ 85701-1310.

6           DATED this 14th day of November, 2011.

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A handwritten signature in black ink, appearing to read "R. Collins", is written over a horizontal line.

Raner C. Collins  
United States District Judge